



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,557	11/22/2000	Mark Moriconi	BEAS-01453US1	5061
23910 7590 06/20/2008				
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER				
PYZOCHA, MICHAEL J				
ART UNIT		PAPER NUMBER		
2137				
MAIL DATE		DELIVERY MODE		
06/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/721,557

Applicant(s)

MORICONI ET AL.

Examiner

MICHAEL PYZOCHA

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57, 58, 63, 64, 72, 73, 81, 82 and 90-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57, 58, 63, 64, 72, 73, 81, 82 and 90-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/3508)
Paper No(s)/Mail Date 12/21/07, 2/15/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 57-58, 63-64, 72-73, 81-82 and 90-95 are pending.
2. Amendment filed 02/15/2008 has been received and considered.

Claim Rejections - 35 USC § 112

3. The rejection under the first paragraph of 35 U.S.C. 112 has been withdrawn based on the filed amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 57, 63, 72, and 81, rejected under 35 U.S.C. 103(a) as being unpatentable over Brownlie et al. (US 6202157) in view of Thebaut et al. (US 5889953) in view of Guedalia et al. (US 6148333) and further in view of Archibald et al. (US 5825883).

As per claims 57, 63, 72, and 81, Brownlie et al. discloses a policy manager for creating and distributing a security policy

which includes a plurality of rules customized to the client and an application guard for managing access to securable components including at least one application as specified by the security policy (see column 4 lines 16-52; column 5 lines 1-5 and column 3 lines 25-34).

Brownlie fails to disclose the specific global and local policies and allowing or preventing access based on a user request, which includes a subject, an object and a privilege using an application guard within the application to control access.

However, Thebaut et al. teaches generating such global and local policies (see column 4 lines 9-25); Guedalia et al. teaches allowing or preventing access based on a user request, which includes a subject, an object and a privilege (see figures 1 and 2 and column 9 line 45 through column 10 line 30 and column 11 lines 14-65) and Archibald teaches the application guard being integrated into the application (see column 17 lines 45-64 and figure 15) to control access (see column 17 line 65 through column 18 line 15).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use global and local policies in the Brownlie et al system and to provide access

control based on a request to the securable components using an application guard within the application of Brownlie et al.

Motivation to do so would have been to policies specific to certain domains (see Thebaut et al. column 4 lines 9-25); to control access, track user requests and usage (see Guedalia et al column 4 lines 32-35); and to allow for metering of an applications usage (see Archibald column 17 lines 45-64).

6. Claims 58, 64, 73, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie et al., Thebaut et al., Guedalia et al. and Archibald et al. system further in view of Luckenbaugh.

As per claims 58, 64, 73, 82, 90, 92 and 94, the modified Brownlie et al., Thebaut et al., Guedalia et al. and Archibald et al. system fails to disclose managing access to functions of applications.

However, Luckenbaugh teaches managing access to portions of applications (see Luckenbaugh column 4 line 58 through column 5 line 5 and the abstract), and Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art for to monitor portions of applications and for the portions to be functions.

Note that the well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the Examiner's assertion of Official Notice.

Motivation to do so would have been to control access to portions of resources capable of running an application (see Luckenbaugh et al column 4 line 58 through column 5 line 5) and that functions are self-contained software routines that perform a specific task.

As per claims 90, 92, and 94 the modified Brownlie et al., Thebaut et al., Guedalia et al., Archibald et al. and Luckenbaugh system discloses the application guard further allows for additional customized code to process and evaluate authorization requests based on the additional customized code (see Luckenbaugh column 8 lines 21-40).

7. Claims 91, 93, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie et al., Thebaut et al., Guedalia et al., Archibald et al. and Luckenbaugh system as applied to claims 90, 92, and 94 above, and further in view of Balassanian (US 6324685).

As claims 91, 93, and 95, the modified Brownlie et al., Thebaut et al., Guedalia et al., Archibald et al. and

Luckenbaugh system fails to disclose the use of a global policy specifying access privileges.

However, Balassanian teaches such a global policy (see column 5 lines 54-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Balassanian's global policy as the modified Brownlie et al., Thebaut et al., Guedalia et al., Archibald et al. and Luckenbaugh system's policy.

Motivation to do so would have been that a uniform security policy could be implemented from a single machine (see Balassanian column 5 lines 54-65).

Response to Arguments

8. Applicant's remaining arguments with respect to claims 57-58, 63-64, 72-73, 81-82 and 90-95 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137